

10/567,811
67,124-035; 3554**REMARKS**

The claims stand rejected over the Davis patent, which the examiner admits does not disclose a valve that can meet the limitations of the claims. In particular, claim 1 has been amended to include the limitations of prior claim 2, that a computer controls the movement of the electric motor for controlling the position of the valve.

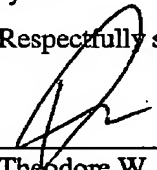
Davis, as mentioned earlier, has full on or off valves, and no incremental movement. The examiner argues that the Taylor, et al. reference discloses an electric motor drive, and perhaps it does. However, there would certainly be no reason to include a computer to control the motor, in that Davis solely has full on and full off. That is, why would a complex control be necessary, when the valve of Davis need only be full on or full off.

The examiner appears to rely on Newman, et al. to supply the missing fact of incremental positions for the valves of Davis. However, the examiner points only to a damper valve 42. It appears damper valve 42 is full on or full off also. At any rate, it is not seen how anything within Newman, et al. would suggest modifying the valves of Davis such that incremental positions could be achieved. Simply, the examiner is relying upon hindsight and applicant's disclosure to meet these limitations.

Claim 12 requires that the valve body be movable to an infinite number of positions, and thus cannot be met by the combined references, as properly interpreted. Claim 18 requires that the valve allows the control to be controlled to a plurality of distinct volumes. Again, the references cannot meet these limitations.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

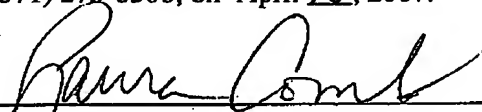


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on April 10, 2007.



Laura Combs